

**REMARKS/ARGUMENTS**

The Office Action mailed November 16, 2005 has been reviewed and carefully considered. Claims 1-9, 11-25, 29, 31-37, 46-160, and 163-164 are pending in this application, with claims 1, 22, 29, and 163 being the only independent claims. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

In the Office Action mailed on November 16, 2005, claims 1-3, 7-22, 25, 27-29, 33, 38-39, 43-47, 51-57, 61-69, 73-82, 86-95, 99-110, 114-126, 130-143, 147-160, and 163-164 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,241,686 (Charbonnier).

Claims 4-6, 23-24, 26, 30-32, 35-37, 40-42, 48-50, 58-60, 70-72, 83-85, 96-98, 111-113, 127-129, 144-146, and 161-162 stand rejected under 35 U.S.C. §103 as unpatentable over Charbonnier in view of U.S. Patent No. 5,640,677 (Karlsson).

MPEP §2131 states that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Independent claim 1 recites "wherein the current cell is changed only if for a predetermined time period the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell". It is respectfully submitted that Charbonnier fails to disclose this limitation because Charbonnier discloses that changing a cell is based on a single instantaneous corrected field measurement of each cell instead of a measured strength of communication of each cell for a period of time.

Charbonnier discloses a method for optimizing the distribution of the radio traffic load on a radio communication cellular network between fixed relays, wherein each cell of the cellular network is covered by a relay (see col. 1, lines 8-12; and col. 5, lines 4-8, of

Charbonnier). Each relay sends a signal and a radio electric field of the signal is measured by a mobile station. According to Charbonnier, a "field correction parameter" is passed to the mobile station, and is used to "correct" the measured radio electric field of the relay signal (see col. 2, lines 32-47). Charbonnier also teaches that the mobile M performs a sequential scan of the neighbouring cells. To accomplish this, a synthesizer 44 of mobile is positioned successively and cyclically on each of the frequencies of the relays that can be used as routes (col. 8, lines 34-44). Corrected fields  $G_i$  for each available route, i.e., each available cell, are stored in a memory (col. 8, lines 44-45). After a scan of all of the frequencies is completed, unit 46 of the mobile compares the corrected fields to determine the route with the highest corrected field (col. 8, lines 46-50). If the route with the highest corrected field is different from the route of the cell or relay in which the mobile is located, then the mobile changes the cell or relay and selects the corrected field with the highest value (col. 8, lines 54-57).

Since the measurements of the corrected fields are made successively by the synthesizer 44 of the mobile terminal, each measurement represents instantaneous conditions at the time the measurement was made. Accordingly, Charbonnier changes the relay or cell based on one instantaneous corrected field measurement of each route. Since Charbonnier discloses that the relay is changed based on the comparison of an instantaneous corrected field measurement of each beacon route, Charbonnier fails to disclose, teach or suggest "changing the current cell with which the station is associated, wherein the current cell is changed only if for a predetermined time period the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell", as expressly recited in independent claim 1.

The Examiner alleges that the above limitation is disclosed by Charbonnier at col. 8, lines 41-57. As described above, this section of Charbonnier describes that a mobile determines an instantaneous corrected field measurement for each available route during a scan of all the available routes. If the route with the highest corrected field is different from the route of the relay or cell in which the mobile is located, then the mobile changes the relay or cell and selects the corrected field measurement with the highest value. Since Charbonnier discloses that the change of routes is based on a single instantaneous corrected field measurement of each route, Charbonnier fails to teach or suggest "the current cell is changed only if for a predetermined time period the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell", as expressly recited in independent claim 1.

In view of the above remarks, it is respectfully submitted that claim 1 is not anticipated by Charbonnier.

Independent claims 22, 29, and 163 each include limitations similar to the above-cited limitations of independent claim 1 and are allowable for the same reasons.

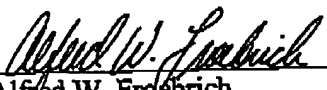
The dependent claims are allowable for the same reasons as are the independent claims, as well as for the additional recitations contained therein.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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